HIGH COURT OF UTTARANCHAL AT NAINITAL

C-482 NO. 1061 OF 2006

1. Tilak Raj Sachdeva,
S/o Des Raj Sachdeva,
2. Desh Deepak Sachdeva,
S/o T.R. Sachdeva,
Both R/o 9 Vijay Park Dehradun,
Presently residing at 313 Nandan Vati,
Society Ring Road, Baroda.

.....Petitioners/Applicants.

Vs.

1. State of Uttaranchal.
2. Smt. Neetu Sachdeva, D/o Yogendra Pal Sethi,
R/o 452, Rajendra Nagar Dehradun.

.....Respondents.

Hon'be Rajesh Tandon, J.

Heard Sri R.K. Sharma, and Kishore Kumar, counsel for the applicants and A.G.A. for the State.

2. By the present application filed under Section 482 of the Code of Criminal Procedure, the applicants have sought the following relief:

> "It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the trial court to decide Criminal Case No. 3536 of 2006 State Versus Tilak Raj Sachdeva and others pending in the court of Additional Chief Judicial Magistrate First Dehradun, as expeditiously as possible after transferring the case to any other competent court having the same jurisdiction, otherwise the applicant will suffer a great loss and

hardship, which cannot be compensated by any other means."

3. Counsel for the applicants has referred Section 309 of the Code of Criminal Procedure, where it has been provided that in every inquiry or trial the proceedings shall be held as expeditiously as possible. Sub-clause (1) of Section 309 reads as under:

> "(1) In every inquiry or trial the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded."

4. In view of the above, since the proceedings were initiated in the year, 1999, it is desirable in the interest of justice that the same is directed to be expedited finally within a period of three months from the date of production of the certified copy of the order. The order shall be first placed before the District & Sessions Judge, who shall place it before the appropriate court treating such matters.

5. Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

(Rajesh Tandon, J.)

22nd December, 2006
Rathour